

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GEORGE MANDALA and CHARLES BARNETT,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

NTT DATA, INC.,

Defendant.

Case No. 6:18-cv-06591-CJS

**STIPULATION TO SUPPLEMENT
INDEX TO RECORD ON APPEAL**

WHEREAS Plaintiffs filed the Index to the Record on Appeal in the United States District Court for the Western District of New York on January 13, 2022 (Dkt. 42) (the “Index”); and

WHEREAS counsel for the parties conferred and agreed that the Index should be supplemented with the Motion to Dismiss the Class Action Complaint in its Entirety and with Prejudice (Dkt. 9) and the Memorandum in Further Support of the Motion to Dismiss (Dkt. 13),

IT IS NOW HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the parties that the Index shall be supplemented, pursuant to FED. R. APP. P. 10(e)(2), to include the Motion to Dismiss the Class Action Complaint in its Entirety and with Prejudice (Dkt. 9) and the Memorandum in Further Support of the Motion to Dismiss (Dkt. 13), as follows:

SUPPLEMENTAL INDEX TO RECORD ON APPEAL

District Court (WDNY) Docket Records, Case No. 18 Civ. 6591 (CJS)

Dkt. #	Docket Text	File Date
9	MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice by NTT Data, Inc. (Attachments: # 1 Declaration of Patricia Price, # 2 Exhibit A, # 3 Memorandum in Support of Motion to Dismiss)(Pizzutelli, Jessica) (Entered: 11/13/2018)	11/13/2018
13	MEMORANDUM in Support re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice filed by NTT Data, Inc. (Pizzutelli, Jessica) (Entered:12/27/2018)	12/27/2018

Dated: February 3, 2022

LITTLER MENDELSON, P.C.

By: /s/ Jacqueline Phipps Polito

Jacqueline Phipps Polito

Abigail Giarrusso

375 Woodcliff Drive, Suite 2D

Fairport, New York 14450

585-203-3400

jpolito@littler.com

agiarrusso@littler.com

Attorneys for Defendant

OUTTEN & GOLDEN LLP

By: /s/ Christopher M. McNerney

Ossai Miazad

Christopher M. McNerney

685 Third Avenue, 25th Floor

New York, New York 10017

212-245-1000

om@outtengolden.com

cmcnerney@outtengolden.com

Attorneys for Plaintiffs